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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ARA-14 CIAE-00 DODE-00 PM-05 H-02
INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02
SS-15 USIA-15 /084 W
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P 071215Z DEC 77
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 1034
INFO AMCONSUL HAMILTON PRIORITY

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E.O. 11652: N/A
TAGS: PGOV, PINT, UK
SUBJECT: PARLIAMENTARY CONSIDERATION OF UNREST IN
BERMUDA

REF: SHUMATE/BINNS TELCON

SUMMARY: FOREIGN SECRETARY OWEN DECEMBER 5 REVIEWED RECENT DEVELOPMENTS IN BERMUDA AND TOLD PARLIAMENT THAT THE GOVERNMENT IS PREPARED TO REVIEW ITS CURRENT POLICY TOWARD CAPITAL PUNISHMENT IN DEPENDENT TERRITORIES. CONSERVATIVE FRONTBENCH COMMENT WAS LIMITED TO ENDORSEMENT OF THE FOREIGN SECRETARY'S HOPE THAT PEACE AND HARMONY WOULD BE RESTORED IN BERMUDA. OWEN, HOWEVER, FACED SHARP CRITICISM FROM LABOR LEFT-WINGERS OVER HIS FAILURE TO RECOMMEND THAT THE QUEEN GRANT CLEMENCY IN THE BURROWS/TACKLYN CASE AND OVER THE ANOMOLY BETWEEN UK LAW ON CAPITAL PUNISHMENT AND THAT IN SOME OF ITS DEPENDENT TERRITORIES. END SUMMARY.

1. FOREIGN SECRETARY OWEN ADDRESSED COMMONS DECEMBER 5, OUTLINING THE BACKGROUND OF THE BURROWS/TACKLYN CASE AND HMG POLICY ON CAPITAL PUNISHMENT IN DEPENDENT TERRITORIES. ACCORDING TO OWEN, HMG'S CURRENT POLICY
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IS BASED ON THE DOCTRINE ENUNCIATED IN COMMONS BY COLONIAL SECRETARY ARTHUR CREECH-JONES IN 1947 WHICH HOLDSTHAT IN THE ABSENCE OF GROUNDS FOR BELIEVING THERE HAS BEEN A MISCARRIAGE OF JUSTICE, THE GOVERNMENT HAS NO ALTERNATIVE BUT TO ADVISE THE CROWN NOT TO INTERVENE. OWEN ALSO EXPRESSED THE HOPE THAT PEACE AND HARMONY WOULD SOON BE RESTORED TO THE ISLAND. IN RESPONSE TO

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QUESTIONS FROM BACKBENCH LABOR MPS, OWEN INDICATED HE IS WILLING TO REVIEW THE CREECH-JONES DOCTRINE IN THE LIGHT OF CURRENT BRITISH LEGISLATION PROHIBITING CAPITAL PUNISHMENT INSIDE BRITAIN, AND SUGGESTED TOO THAT COMMONS MIGHT WISH TO DEBATE THIS ISSUE. OWEN ADDED THAT HE PERSONALLY FAVORED ASKING THE PARLIAMENTS OF DEPENDENT TERRITORIES STILL ALLOWING CAPITAL PUNISHMENT TO EXAMINE THEIR LAWS IN THE HOPE THAT THEY WOULD VOLUNTARILY BRING THEM INTO CONFORMITY WITH UK PRACTICE.

2. CONSERVATIVE FOREIGN AND COMMONWEALTH AFFAIRS SPOKESMAN JOHN DAVIES LIMITED HIS SUPPORT OF OWEN'S STATEMENT TO AN ENDORSEMENT OF HIS HOPE THAT PEACE WOULD SOON RETURN TO BERMUDA. DAVIES, HOWEVER, STRESSED THE EXCEPTIONAL NATURE OF THE OFFENSES COMMITTED BY BURROWS AND TACKLYN, THE BELIEF THAT THE ENSUING DISORDERS WERE AT LEAST IN PART DUE TO THE INDEPENDENCE ISSUE AND THAT BERMUDA, LIKE MANY DEPENDENT TERRITORIES, HAS A LARGE DEGREE OF SELF-GOVERNMENT, INCLUDING ON SUCH MATTERS AS CRIMINAL LAW.

3. LIBERAL AND LABOR MPS, HOWEVER, WERE MORE OUTSPOKEN. FORMER LIBERAL LEADER THROPE ASSERTED THAT THE APPLICATION OF CRIMINAL LAW AND PENALTIES IN DEPENDENT TERRITORIES SHOULD CONFORM WITH PRACTICES IN THE UK. ARTHUR LATHAM, A TRIBUNITE LABOR MP, QUESTIONED THE
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LOGIC OF HMG BEING UNWILLING TO INTERVENE WITH BERMUDIAN AUTHORITIES ON THE EXECUTION OF BURROWS AND TACKLYN, BUT HAVING THE RESPONSIBILITY FOR "DEALING WITH THE CONSEQUENCES OF THEIR (BERMUDIAN GOVERNMENT) ACTIONS." HE ALSO EXPRESSED THE VIEW THAT HAD HMG MOVED BERMUDA MORE RAPIDLY "TO ACHIEVE FULLER DEMOCRACY AND GENUINE MAJORITY GOVERNMENT...THESE HANGINGS WOULD NOT HAVE TAKEN PLACE." ANOTHER LABOR LEFT-WINGER, STAN NEWENS, TOLD COMMONS THAT LAST WEEK HE AND A GROUP OF LABOR MPS HAD IMPORTUNED OWEN TO RECOMMEND CLEMENCY FOR BURROWS AND TACKLYN AND FORECAST BITTERNESS AND RACIAL TROUBLES IF THE EXECUTIONS WERE CARRIED OUT. NEWENS ALSO URGED PRIORITY RECONSIDERATION OF THE CREECH-JONES DOCTRINE.

4. COMMENT: ALTHOUGH MOST OF THE CRITICISM CAME FROM LABOR'S LEFT, THERE IS LITTLE DOUBT THAT THE SENTIMENTS VOICED WERE SHARED BY THE OVERWHELMING MAJORITY OF LABOR BACKBENCHERS, AND BY THE LIBERAL BENCHES AS WELL. IN THIS REGARD, THE DECEMBER 7 PRESS REPORTS THAT OVER 100 MPS HAVE SIGNED A MOTION CALLING FOR THE GOVERNMENT TO TAKE STEPS TO PREVENT FURTHER EXECUTIONS IN
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DEPENDENT TERRITORIES. THE CONSERVATIVE ATTITUDE IS SOMEWHAT HARDER TO CHARACTERIZE, AS TORY MPS KEPT A LOW PROFILE DURING THE QUESTION PERIOD THAT FOLLOWED OWEN'S STATEMENT. MOREOVER, MANY OF THEM SUPPORT CAPITAL PUNISHMENT, AT LEAST IN PRINCIPLE. THE EMBASSY WILL INQUIRE FURTHER REGARDING THE GOVERNMENT'S PLANS TO REVIEW THE CREECH-JONES DOCTRINE AND TO ELIMINATE THE OBVIOUS ANOMOLY BETWEEN UK CRIMINAL LAW AND THAT OF SEVERAL OF ITS DEPENDENT TERRITORIES.

5. FOR HAMILTON: WE WILL POUCH COMPLETE TEXT OF COMMONS PROCEEDINGS AS SOON AS AVAILABLE.

BREWSTER

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